



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2148-00

28 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 14 May 1965 at the age of 17. Your record reflects that you served for a year without incident but on 9 April 1966 you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA). The punishment imposed was restriction and extra duty for 15 days, correctional custody for five days, and a reduction in rate. A portion of the punishment was suspended for six months.

However, on 4 May 1966, you received NJP for a 15 day period of UA, missing the movement of your ship, breaking restriction, and wrongful appropriation of an identification card and a liberty card. The punishment imposed was reduction to paygrade E-2, a \$45 forfeiture of pay, and correctional custody for 10 days.

Your record further reflects that during the period from 14 March to 25 May 1967 you received NJP on four occasions for four incidents of absence from your appointed place of duty, breaking restriction, and a four day period of UA. Subsequently, you were processed for an administrative separation by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. Your commanding officer recommended you be

issued an other than honorable discharge by reason of unfitness. On 8 June 1967 the discharge authority directed your commanding officer to issue you an other than honorable discharge. On 12 July 1967 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that its been over 34 years since your separation and you believe your discharge should be automatically upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct, which resulted in six NJPs. Further, no discharge is upgraded merely because of the passage of time. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director